

Proposed

HOUSE HEALTH AND HUMAN SERVICES COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 317

**55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
REGULATING AIR AMBULANCE MEMBERSHIPS AND SUBSCRIPTIONS;  
PROVIDING AIR AMBULANCE MEMBERS CERTAIN CONSUMER PROTECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] DEVELOPMENT AND IMPLEMENTATION  
OF AIR AMBULANCE MEMBER PROTECTION PROGRAMS.--

A. No later than July 1, 2022, the office of  
superintendent of insurance shall require a provider of air  
ambulance memberships to develop and implement a consumer  
protection program for its members. Each consumer protection  
program shall include:

(1) a dedicated member hotline number and  
member resource email address for processing billing and claims  
and for addressing questions, complaints and concerns;

.220229.1

underscoring material = new  
[bracketed material] = delete

1                   (2) a member advocacy page on the provider's  
2 website that is clearly marked as the "member advocacy page"  
3 and that contains clearly written and comprehensive resources  
4 for members, including:

5                               (a) frequently asked questions and  
6 answers regarding coverage provided and the costs of the  
7 coverage, including out-of-pocket expenses;

8                               (b) an explanation of the claims  
9 process;

10                              (c) frequently used forms and  
11 instructions for completing the forms that can be downloaded  
12 and printed;

13                              (d) information regarding the  
14 participating air ambulance provider's financial assistance or  
15 charity care program; and

16                              (e) additional resources for members,  
17 including contact information for federal and state consumer  
18 protection and regulatory entities;

19                   (3) dedicated staff assigned to review member  
20 questions and complaints regarding air ambulance service  
21 membership coverage and respond to concerned parties within  
22 three months of the date that the complaint is received by the  
23 provider;

24                              (4) the inclusion of the member hotline number  
25 and email address required by Paragraph (1) of this subsection

.220229.1

1 and the member advocacy web page address required by Paragraph  
2 (2) of this subsection on all member communication materials,  
3 including websites, brochures, letters, invoices or billing  
4 statements that are sent to or made available to members; and

5 (5) mandatory yearly patient advocacy training  
6 for all air ambulance service personnel who have direct  
7 interaction with patients or their family members via written,  
8 verbal or electronic communications.

9 B. A provider shall make the following general  
10 disclosures in writing in bold type, no smaller than twelve-  
11 point font, on any advertisement, marketing material, brochure  
12 or contract terms and conditions made available to prospective  
13 members or the public:

14 (1) "If eligible and covered by medicaid or  
15 medicaid managed care, the prospective member is already  
16 covered with no out-of-pocket cost liability for air ambulance  
17 services."; and

18 (2) "If eligible and covered under medicare or  
19 a medicare supplemental plan, the prospective member may  
20 already be covered for air ambulance services and should  
21 consult with a representative of the prospective member's plan  
22 provider to determine the level of existing coverage the person  
23 has for air ambulance service, cost sharing and whether the  
24 plan provider recommends additional supplemental coverage.".

25 C. For purposes of this section:

.220229.1

underscoring material = new  
~~[bracketed material] = delete~~

1 (1) "air ambulance service" means any  
2 governmental or private service that provides air  
3 transportation specifically designed to accommodate the medical  
4 needs of a person who is ill, injured or otherwise mentally or  
5 physically incapacitated and who requires in-flight medical  
6 supervision;

7 (2) "member" or "subscriber" means a person  
8 who purchases an air ambulance service membership or  
9 subscription;

10 (3) "membership" or "subscription" means the  
11 rendering, furnishing or procuring of or the payment or  
12 reimbursement for, in whole or in part, air ambulance services  
13 in consideration of a person being or becoming a member by  
14 virtue of any agreement or understanding with a provider; and

15 (4) "provider" means a person engaged,  
16 directly or indirectly either as principal or agent, in selling  
17 or offering for sale, furnishing or procuring air ambulance  
18 service membership subscriptions to members or subscribers.